

**Minutes  
Commonwealth of Virginia  
State Board of Social Services  
801 East Main Street  
Richmond, Virginia 23219**

**February 17-18, 2010**

**Members Present**

Trudy Brisendine, Danny Brown, Shirley Culpepper, Willie T. Greene, Margaret Luca, Brenda Hornsby, Michelle Larkin, Barbara Manuel, and Bela Sood.

**Members Absent**

Danny Brown-Thursday only

**CALL TO ORDER**

Chair Trudy Brisendine called the meeting to order at 9:05 a.m.

**WELCOME AND INTRODUCTIONS**

The Chair welcomed Margaret Ross Schultze to the meeting and congratulated her for serving as Interim Commissioner.

**REVIEW OF THE AGENDA**

*Richard Martin*, Manager of the Office of Legislative and Regulatory Affairs reviewed the meeting agenda.

He advised there would be a brief tour of the agency this morning and a public hearing on 22 VAC 40-601, Food Stamp Program will begin promptly at 10:00 a.m.

**Agency Tour**

*J. R. Simpson*, Chief Financial Officer hosted a tour of the department's new facility.

**Public Hearing**

22 VAC 40-601, Food Stamp Program  
Proposed Regulation

*Comments*

No one signed up to comment on this proposed regulation.

**Information Items**

**Regulatory Update**

*Richard Martin* provided members with a copy of Executive Order Number 107(2009) entitled Development and Review of Regulations Proposed by State Agencies. A copy of this document is attached to the official minutes housed in the home office.

Mr. Martin provided members with a Status of Regulation Report dated February 17, 2010. He highlighted 22 VAC 40-25, Auxiliary Grants Program; 22 VAC 40-120, Minimum Standards for Licensed Family Day Care Systems; 22 VAC 40-121, Standards for Licensed Family Day Systems; 22 VAC 40-160, Fee Requirements for Processing Applications; 22 VAC 40-180, Voluntary Registration of Family Day Homes; 22 VAC 40-181, Voluntary Registration of Family Day Homes – Requirements for Providers; 22 VAC 40-201 Permanency Services-Prevention, Foster Care, Adoption and Independent Living; 22 VAC 40-221, Additional Daily Supervision Rate Structure; 22 VAC 40-601, Food Stamp Program; 22 VAC 40-661, Child Care Services; 22 VAC 40-800, Family Based Social Services; and 22 VAC 40-810, Fees for Court Services Provided by Local Departments of Social Services.

Currently there are 55 regulations in place. Of this number, 4 are in the process of being amended; 14 are in the process of being repealed; and 7 new regulations in the process of being promulgated, for a total of 62 regulatory actions.

Chair Brisendine thanked Mr. Martin for his comprehensive report and asked if he could provide information at the April meeting on the differences between day care centers; homes; and registered versus voluntarily registered homes.

### **Child Welfare Update**

*Paul McWhinney*, Director Division of Family Services spoke briefly on the Governor's Conference, advising there were 600 participants and 40 break-out sessions. There were many positive comments that came out of this conference including "the theme was clear that we are and must do better for children and families who come to the attention of the Virginia Child Welfare System".

Mr. McWhinney advised they have implemented an "Agents of Change" Leadership Program for current and emerging leaders in the field of children's services. Five clusters met in January and will continue through June. There was some concern from members that the Western Region was not represented in this group.

Mr. McWhinney advised that Safe Measures training continues and he would be happy to present further information on this data management tool available to local agencies at a future meeting.

He spoke on Family Engagement and advised a statewide rollout with VDSS Broadcast 6050. Roundtables are being conducted in each region for first phase agencies and an excellent training video is near completion. He advised that a Request for Application for Court Improvement funding was issued for five grants. Family engagement is a way to deliver better practices to children/families by reducing the number of children in care and reducing the number of caseloads. Ms. Hornsby suggested engaging in a guidance document.

Mr. McWhinney advised that regional peer collaboratives are going well-localities are requesting more assistance. Round three begins in February.

He reported on the Child and Family Services Review, advising that federal partners visited in January. The draft Program Improvement Plan (PIP) is due at the end of February. Four key strategies have been identified: engage families; improve assessment and service delivery; reengineer training; and manage by data and quality assurance.

The Chair thanked Mr. McWhinney for his exceptional work in this arena.

### **Child Fatality Report**

*Rita Katzman*, Manager of the Child Protective Services Program provided members a copy of the Report on Child Deaths Due to Abuse or Neglect in Virginia during state fiscal year 2009.

After reviewing this report, members asked for further data on items such as “was poverty an issue; were the grandparents listed on the report short term or long term caretakers; were these cases using Structured Decision Making (SDM) and review data year-by-year of cases known to the system.”

There was some concern that SDM data is not as strong as it should be and that staff is not fully utilizing the use of this tool.

The Child Abuse Prevention Conference will be held in Richmond April 22, 2010. The Board will receive further information as this date nears.

Ms. Luca felt this issue needs to be discussed more often and confirmed the Board is willing to do whatever is necessary to make a difference. It was suggested that the Board could work with groups that would complement each other's work in this area. Ms. Hornsby's committee will take on this recommendation, and bring suggestions back to the full Board.

### **Comment Period**

#### **Comment from the Public**

Stephen Eubank, J. Thompson Shrader & Associates, P.C. representing Amherst County Department of Social Services spoke on 22 VAC 40-910. A copy of his detailed comment is attached to this regulation and is part of the official minutes housed in the home office.

#### **Comment from Local Boards and Directors of Social Services**

Eddie Harrison, Russell County Department of Social Services Director stated that local agencies have done so much with so little for so long that they forget they can do little with nothing. He remarked it was sad that companion services are being cut. He mentioned they have a large elderly population in his area and it cost more to keep the elderly in a home versus living on their own.

He advised that locals are not totally opposed to decisions made at the state level. He said SDM is a great instrument. He said we must take things slowly and cautioned that we can't do things overnight. He mentioned there was a significant drug problem in southwest Virginia and that they are developing a federal grant to assist with these issues.

He reminded everyone of the importance of training; saying that they can't do transformation, SDM, or family engagement without training.

**Comments from Dr. William A (Bill). Hazel, Jr.**

Governor McDonnell appointed Dr. Hazel to the position of Secretary of Health and Human Resources. Dr. Hazel is involved with numerous healthcare related associations and societies. He is a board certified orthopaedic surgeon and is a founding partner of Commonwealth Orthopaedics and Rehabilitation.

Dr. Hazel commended the Board on the work they do on behalf of the citizens of the Commonwealth. He spoke briefly on the budget and the proposed cuts. He is committed to helping this system become stronger and work more effectively.

Members, in turn, introduced themselves to the Secretary and gave a briefing on their backgrounds. They also remarked how fortunate we are to have Margaret Schultze serve as Interim Commissioner.

Chair Brisendine remarked on Board priorities, mentioning the Transformation Project and the issue of Poverty. There was discussion about forming a taskforce that would look at the issues of homelessness and poverty.

Members thanked Dr. Hazel and his wife Cindy for taking time from their busy schedules to speak to the Board today.

**Comment from Boards and Directors of Community Action Agencies**

None

**Comment from the Virginia League of Social Service Executives**

*Sarah Snead*, President provided greetings from the League and publicly congratulated Margaret Schultze on her new position. She provided highlights on the challenging issues that locals are now facing to include increased workloads, services and applications; potential budget cuts; and reductions in program training and travel.

Ms Snead confirmed they are committed to serving the citizens of the Commonwealth, are passionate about the people they serve and plan to continue to do the best job possible.

Localities are stretched to the breaking point with implementation of new initiatives while resources continue to decrease dramatically.

Ms. Snead referred to a letter addressed to the Commissioner regarding SDM and family engagement reconsideration. These should be options for locals and not implementing new mandates and initiatives. She said we all believe in child transformation but need to look at the timelines and multiple initiatives coming out at one time. She asked the Board to support the League.

The next VLSSE Board meeting will be held in April in Fredericksburg and the State Board was welcomed to attend.

#### Discussion

Members asked Ms. Snead to speak on SDM. She is concerned the data doesn't support the change outcome; it's more time-consuming; and there is no data to support using SDM makes children safer. Ms. Snead was asked to provide further detailed information to the Board on the pros and cons of this initiative.

Ms. Brisendine thanked Ms. Snead for her directness and wanted to ensure the VLSSE that the Board hears their concerns.

#### **Comment from the Virginia Community Action Partnership**

*Jim Schuyler*, Executive Director of VACAP, provided members with the 2009 Annual Report and a copy of funding for Community Action Agencies. These are attached to the official minutes housed in the home office.

Mr. Schuyler shared his concern there were no available funds in the Governor's proposed budget this year and spoke of the challenging times ahead. He stated there is no bigger anti-poverty program than EITC and asked members to assist in whatever extent possible with this very important program.

#### **ACTION ITEMS**

##### **Approval of Minutes**

***ON MOTION DULY MADE (Mr. Culpepper) and seconded (Ms. Sood) moved to approve the Minutes from the December 2009 meeting as presented. Motion carried with all in favor.***

##### **Social Work Resolution**

*Anne Mitchell*, Social Work Supervisor from King William County presented a resolution acknowledging March 2010 as Social Work Month and asked for Board approval.

***ON MOTION DULY MADE (Mr. Brown) and seconded (Mr. Culpepper) moved to commend all Social Workers and Employment Service Workers in local departments of social services across the Commonwealth for a job well done and recognizes the month of March 2010 as Social Work Month; calling upon Virginians to join in acknowledging their public service and contributions this 17<sup>th</sup> day of February, 2010. Motion carried with all in favor.***

**22 VAC 40-910 General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, child Support Enforcement and Social Services Records.**

Petition for Rulemaking

***ON MOTION DULY MADE (Mr. Culpepper) and seconded (Ms. Luca) moved to approve the agency decision denying the petition for 22 VAC 40-910, General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement and Social Services Records. Motion carried with all in favor.***

**Rescind Chapter A of Volume I, Administrative Manual**

While this chapter was not promulgated by the State Board of Social Services, it includes references to the Board. Chapter A sets out a general mission statement of the State Board and the State Department of Social Services. It also includes basic affirmation by Board and Department. The Department's mission, vision and values are now reflected in the Agency Strategic Plan and were developed with Board representation. Members were asked to approve the department's rescinding Chapter A of Volume 1.

Discussion: None

**ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Hornsby) moved to rescind Chapter A of Volume 1, Administrative Manual. Motion carried with all in favor.**

**22 VAC 40-72 Standards for Licensed Assisted Living Facilities  
Establish Regulatory Advisory Panels**

**ON MOTION DULY MADE (Ms. Hornsby) and seconded (Mr. Culpepper) moved to approve 22 VAC 40-72 Standards for Licensed Assisted Living Facilities that would establish six RAP's with the membership of each panel being composed of designated representatives. Motion carried with all in favor.**

**Discussion**

**Ms. Hornsby will serve on the Resident Care and consumer representatives will be added to all RAPS.**

### **Resolution of Appreciation**

Secretary Michelle Larkin read a Resolution of Appreciation for former Commissioner Conyers and asked the Board for approval.

**ON MOTION DULY MADE (Mr. Culpepper) and seconded (Ms. Hornsby) moved to approve the Resolution of Appreciation for Anthony Conyers, Jr. The Board expressed its appreciation and gratitude for his superb leadership during his tenure as Commissioner of the Virginia Department of Social Services, from March 2005 through January 2010. Motion carried with all in favor.**

Special thanks given to Marianne McGhee for her assistance with the Resolution.

### **Information Items**

#### **Health Care Assessment for Foster Care Children**

*Betty Jo Zarris*, Assistant Director of the Division of Family Services provided handouts on the Vision of Health Care Services for children at risk of and in foster care. She also reviewed the 2008 Fostering Connections Act that requires ongoing oversight and coordination of health care services.

Ms. Zarris also reviewed the Child and Family Services Review Final Report with members. Virginia is not in substantial conformity on health well-being outcome (physical, dental, and mental health). Overall, the outcome was substantially achieved in 86.7% of applicable cases; 95% required.

Physical and Dental Health rated as a strength. In 94% of the cases, the agency was effective in assessing and meeting children's physical health needs; 90% required.

Mental/behavioral health needs improvement. In 87% of cases, there was concerted efforts to meet mental health needs; 90% required.

Service array exists, but needs improvement. Access to services varies across localities. Medicaid dental providers have increased for children. Service gaps/barriers continue.

Action Strategies included establishing a statewide vision for children's health care needs; identify children's health needs in timely and comprehensive manner; ensure children have access to providers for ongoing, comprehensive, coordinated care; improve health outcomes using data; identify priority areas for action using data and manage systems change.

Ms. Zarris promised to come back before the Board at a future date to share updates on this group's work. Handouts are included with the official minutes housed in the home office.

## **Budget**

*J. R. Simpson* advised Governor McDonnell held a press conference outlining his budget reductions. Several handouts were provided to Board members. Copies of these reports are housed with the official minutes housed in the home office.

## **Thursday, February 18, 2010**

### **Meeting reconvened at 9:05 a.m.**

Members thanked Eric Beecroft and his wife for the delicious breakfast goodies that were provided at the meeting today.

## **Board Member Comments**

*Ms. Sood* welcomed *Ms. Schultze* to her new position and said she looks forward working with partners in future initiatives. Members referred to an editorial in the Richmond Times Dispatch that was written by *Ms. Sood*, entitled *Cutting down on Child Beds in Staunton*. *Ms. Sood* stated that we must address the mental health needs of children. Yesterday was a very productive meeting.

*Mr. Culpepper* congratulated Commissioner *Schultze*, *Richard Martin*, and *Pat Rengnerth* for jobs well done and in meeting Board needs.

*Ms. Luca* thanked everyone for attending the Commissioner's farewell dinner on Wednesday night and welcomed *Margaret Schultze* to her new position. She said we received a lot of information yesterday and appreciates the work of staff in educating the Board.

*Ms. Hornsby* shared *Ms. Sood's* comments. She said this has been a very productive meeting and thanked staff for providing the information needed to members to complete their charge. She appreciated the opportunity to say farewell to Commissioner *Conyers* and shared his confidence of leaving a strong team in place at the department. Members share in his confidence and look forward to working with Commissioner *Schultze*.

*Ms. Larkin* said she is also overwhelmed by challenges to be faced and pleased to be an advocate for local communities. It is important to have ambassadors to support initiatives that Commissioner *Conyers* began. She expressed her thanks to Commissioner *Schultze* on her new position and reminded everyone to keep focused on the big picture –keeping citizens in mind and having empathy.

*Mr. Greene* concurs with other's comments. He stated we have been given our charge and we need to stay focused to complete it. Although everyone has been focusing on the budget woes, he hopes we continue to focus on the bigger picture. It has been good to work with Commissioner *Schultze* and be a part of this Board.



*Ms. Manuel* said she enjoyed the meeting, the building tour, and the dinner for former Commissioner Conyers and Commissioner Schultze. She realizes the cuts present a challenge and seem overwhelming. She thanked the department staff for all they do to support this Board.

*Chair Brisendine* advised she had the opportunity to speak with the membership of the Community Action Agencies when they had their legislative conference. This was interesting because she does not remember any former Board members being asked to participate in their meetings. This collaboration has come about since Jim Schuyler has begun attending meetings of this Board. She thanked former Commissioner Conyers for having the foresight to see the value of bringing these agencies to the table. She commented on the wonderful dinner last night and thanked Ms. Luca for arranging the logistics. She thanked Commissioner Schultze on her continued support to the Board.

### **Legislation Update**

*Richard Martin* advised he had been involved in the legislative process since 1983. He commented there are fewer bills in General Assembly this year than in previous years.

Mr. Martin provided members with three handouts, which are attached to the official minutes housed in the home office. Documents included Social Services related legislation as of February 17, 2010; Legislation continued to 2011; and Defeated legislation.

Mr. Martin reminded members of several important dates:

February 17-each house may consider only legislation and amendments of the other house.

February 21-Committees responsible for budget bill to complete work by midnight.

March 8-last day for committee action on legislation.

March 9-Conference report on budget Bill due by midnight.

March 11-Conference report on budget available at noon.

March 13-Adjournment

April 21-Reconvene (Veto) Session

Mr. Martin reviewed HB 443; the only bill for the Department of Social Services this year.

Mr. Martin advised he is available to answer questions or share information on bills. Please call him 804.726.7902 or email him at [Richard.martin@dss.virginia.gov](mailto:Richard.martin@dss.virginia.gov).

### **Poverty Committee**

#### **Poverty Task Force Report**

*Marianne McGhee*, Manager of the Office of Public Affairs, thanked Michelle Larkin for her participation in these meetings. She reported that more than 750,000 Virginians, including over 250,000 children, live in poverty.

Members were provided a handout on Poverty in Virginia, which includes recommendations from the Commonwealth of Virginia Poverty Reduction Task Force. The Task Force organized its recommendations into the following goals: invest in your children and strengthen family relationships; enhance workforce readiness by expanding access to career development programs and employment supports; increase the returns on work; promote savings and asset accumulation; and expand safety-net opportunities for families in crisis. A complete copy of this report is attached to the official minutes housed in the home office.

### **Earned Income Tax Credit (EITC)**

*Erik Beecroft*, Director of Research, and *Nikki Nicholau*, Director of Volunteerism & Community Services spoke to the Board on EITC eligibility and participation in 2008 for Medicaid, Food Stamps, and TANF clients in Virginia. According to the IRS, in tax year 2008, 534,000 households in Virginia claimed the EITC, for a total of \$1 billion in benefits. VDSS clients account for one of every four EITC claimants statewide and about one-third of total EITC benefits statewide. They continue to look at ways to encourage people to file taxes when they do not need to so they can take advantage of EITC.

Carolyn Spohrer spoke to the Board on the Virginia Cash Campaign—creating assets, savings, and hope.

### **Comment from the Commissioner of Social Services**

*Margaret Ross Schultze* thanked the Board and department staff for their support of her as newly appointed Interim Commissioner.

### **TANF Emergency Fund**

Commissioner Schultze reminded members that J.R. Simpson spoke on the seven different funding sources through the American Recovery and Investment Act at their August meeting. The TANF Emergency Fund is one of the most challenging for us to pull down because you must spend more to be able to pull down more money. We estimate that we can pull down approximately \$27 million. In December, we sent a message to our local social service directors asking them to reach out to their local community to see if they have increased spending that would meet TANF funding requirements that we could piggyback on to draw additional funds. Thirteen proposals from ten organizations have been reviewed to draw an additional \$13 million. (There is a September 30 deadline to spend this money.)

The President's proposed budget includes an additional \$10.5 billion in new TANF emergency funds and would extend the proposal another year. Delegate McDermott from Washington State has introduced legislation to extend the emergency fund and allow states to seek these funds through 2011.

#### Information system for childcare

A contract for an automated system was signed last Friday with Deloitte LLC and will be financed using ARRA funds. We are so excited that the childcare system will be automated very soon. This will assist with fraudulent and inaccurate payments. This will be an EBT slide card system. We hope the money coming back into the system will tackle the childcare waiting lists. Locals now contribute a 5% match—we are hoping this can be eliminated in the future.

Ms. Brisendine said there is an excellent website that deals with the ARRA funds--the CLASP organization. This website periodically lists information on grants that have been approved and involves funds from localities and private donors. She suggested making this information available to local agencies to monitor.

#### Portable Auxiliary Grant

At the Board's meeting in Norfolk two years ago, the department asked the Board to work with us on a plan for the portable auxiliary grant. The genesis was a study by the Office of the Secretary of Human Resources on restructuring the auxiliary grant where it would be portable to other sites and cost neutral. In October of that year, the Board approved a pilot plan and it was submitted to the Governor and General Assembly in December. The Appropriations Act allowed us to voluntarily conduct a pilot. Last spring we incurred two obstacles—Medicaid eligibility and a maintenance of effort issue.

Karin Clark was thanked for her work on this project and for writing a report to the Secretary presenting the two options. After careful consideration, the decision was made to cease and abandon the pilot.

Commissioner Schultze was asked to speak before the Senate Finance Health and Human Resources subcommittee and the House Appropriations Health and Human Resources subcommittee. Both committees had good questions about the proposed budget and shared their concerns on the impact these would make.

Chair Brisendine thanked members for being engaged these past two days and for their support in attending the Commissioner's farewell dinner party. Thanks to Richard Martin, Al Wilson, Pat Rengnerth and department staff for their continued support to the Board.

#### **Future Meeting Schedule**

April 14-15, 2010

Central Regional Office

1604 Santa Rosa Road

Richmond, VA

**Agenda items for future meeting**

Explain types of day care facilities and the difference between registered and voluntarily registered; Safe Measures Training; and Structured Decision Making

Board correspondence received between the last two meetings dates can be found in your packets.

**Adjournment**

12:06 p.m.

Respectfully submitted by Pat Rengnerth